

# **EXHIBIT B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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BLUE HEN HOTEL, LLC,

Plaintiff,

v.

CHARLES P. ARENA,

Defendant.

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CIVIL ACTION NO. 05-221 (SLR)

JURY TRIAL DEMANDED

**PLAINTIFF'S FIRST SET OF  
INTERROGATORIES TO DEFENDANT**

The following Interrogatories are propounded by Plaintiff Blue Hen Hotel, LLC, to defendant to be answered separately and under oath **within thirty (30) days** pursuant to the Federal Rules of Civil Procedure.

**INSTRUCTIONS**

1. Pursuant to Fed. R. Civ. P. 33, you are to furnish all information available to you and your agents, employees and attorneys in answering the following Interrogatories. You should designate which of such information is not within your personal knowledge, and as to that information state the name and address of every person from whom it was received, or, if the source of the information is documentary, a full description of the document including its location.

2. These Interrogatories are deemed continuing so as to require supplemental Answers should you obtain further information after answering.

**DEFINITIONS**

All words herein have their meaning in the ordinary English usage except for the following words which in the context of these Interrogatories mean:

1. “Address” means the present or last known street name and number, city or town state and zip code and telephone number.

2. “And” and “or” both mean the disjunctive and the conjunctive.

3. “Affiliate” means (1) an entity that directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the outstanding voting securities of a non-natural person – other than an entity holding such securities, in a fiduciary or agency capacity without sole discretionary power to vote such securities or solely to secure a debt, if such entity has not in fact exercised such power to vote; (2) a corporation 20 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote; (3) a person whose business is operated under a lease or operating agreement by one of the non-natural person defendants or person substantially all of whose property is operated under an operating agreement with one of the non-natural person defendants; or (4) an entity that operates the business or substantially all of the property of one of the non-natural person defendants under a lease or operating agreement.

4. “Document” or “documents” means the original and any identical or non-identical copy, regardless of origin or location, or any writing or record of any type or description, including, without limitation, the original and any copy of a book, pamphlet, periodical, letter, memorandum, telegram, telecopy, facsimile, report, record, handwritten or other note, working paper, chart, paper, graph, index, tape, disc, data sheet or data processing card, correspondence, table, analysis, schedule, diary, message (including, but not limited to, reports or telephone conversations or conferences), magazine, booklet, circular, bulletin, instruction, minutes, other communications (including inter-office or intra-office communications), purchase order, bill of lading, bid tabulation, questionnaire, survey, contract, option to purchase, memorandum of

agreement, assignment, license, book of account, order, invoice, statement, bill (including, but not limited to, telephone bills), checks, vouchers, notebook, film, photograph, photographic negative, phono record, tape recording, wire recording, transcript of recordings, drawings, catalogue, brochure, any other data compilations from which information can be obtained and translated if necessary or any other written, recorded, transcribed, punched, taped, filed or graphic matter, however produced or reproduced, to which you have or have had access.

5. "Identify," "identity," or "identification" means, when used in reference to:

(a) a natural person, his or her:

- (i) full name;
- (ii) present or last known home address (including street name and number, city or town, state, zip code, and telephone number);
- (iii) present or last known business address (including street name and number, city or town, state, zip code, and telephone number);
- (iv) present or last known occupation, position, business affiliation, and job description; and
- (v) social security number.

(b) a company corporation, association, partnership, or legal entity other than a natural person, also referred to herein as a "non-natural person":

- (i) its full name;
- (ii) a description of the type of organization or entity;
- (iii) the full address of its principal place of business; and
- (iv) the jurisdiction of its incorporation or organization.

(c) a document:

- (i) its description, (for example: letter, memorandum, report, etc.);
- (ii) its title;
- (iii) its date:

- (iv) the number of pages therein;
- (v) its subject;
- (vi) who has custody or control of the document.
- (vii) the identity of its author, signatory or signatories, and any person who participated in its preparation;
- (viii) the identity of its addressee or recipient;
- (ix) the identity of each person to whom copies were sent and each person by whom copies were received;
- (x) its present location; and
- (xi) the identity of its present custodian. (If any such document was, but is no longer, in the possession or subject to the control of plaintiff, state what disposition was made of it and when).

In lieu of complying with sub-paragraphs (a)-(j) of sub-paragraph 3, you may attach to your Answer a copy of the document with an identification of the Interrogatory to which it responds.

6. "Person" means a natural person, firm, proprietorship, association, partnership, corporation, or any other type of organization or entity.

7. "You" means defendant Charles Arena, his agents and attorneys.

8. "Blue Hen project" means the development and construction of a *Courtyard by Marriott* hotel facility consisting of a four-story structure of approximately 70,000 square feet and containing 126 hotel rooms and other ancillary facilities located in New Castle County, Delaware.

### INTERROGATORIES

1. Identify the following for Arena & Co., Inc., C. Arena & Co., Inc., Arena Construction Management, Arena Consulting Group and Arena Property Management Company:

- (a) capitalization;

- (b) all owners, officers, directors and managing agents or anyone whoever held such a position for the entity from January 1, 1994 to the present;
- (c) the operating and business functions conducted;
- (d) the identity of any Certified Public Accountant and/or Certified Public Accounting Firm who has conducted an audit of that entity from January 1, 1998, to the present, or who has been employed by that entity from January 1, 1998, to the present in any capacity, and the location of any report or analysis which was prepared by such Accountants;
- (e) the identity of all documents that refer or relate to the information requested herein, including, without limitation, articles of incorporation, financial statements, balance sheets, general ledgers, customer list, accounting statements, and property tax statements, and attach a copy of the same to your Answers to these Interrogatories.

**RESPONSE:**

2. Identify every inter-company transaction, including payments, loans or transfers of money, and any contract, agreement or other understanding whether written, oral or implied, stating for each such transaction, by between or among:

- (a) Arena & Co., Inc.
- (b) C. Arena & Co., Inc.
- (c) Arena Construction Management
- (d) Arena Consulting Group

(e) Arena Property Management Company

(f) Charles Arena

And state for each as part of your identification:

(g) the date of the transaction;

(h) the amount of the transaction;

(i) the identity of any documents relating to the transaction;

(j) the identity of the parties to the transaction;

(k) the purpose of the transaction; and

(l) the terms of the transaction.

**RESPONSE:**

3. Identify all litigation, including Court, docket number, parties, nature of the action and status of case, in which anyone has claimed or asserted that you are individually or personally liable for the debt of a corporation or business, including but not limited to Arena & Co., Inc., C. Arena & Co., Inc., Arena Construction Management, Arena Consulting Group and Arena Property Management Company.

**RESPONSE:**

4. Identify each individual who participated in answering these Interrogatories and all documents which were either consulted to prepare these answers or which relate in any way to the information requested in these Interrogatories.

**RESPONSE:**

5. Identify every corporation owned in whole or in part by you. For each such entity, identify all other owners and state its business.

**RESPONSE:**

6. Identify every partnership in which you are a partner. For each such partnership, identify all other partners and state the business of the partnership.

**RESPONSE:**

7. Identify the corporate records for Arena & Co., Inc., C. Arena & Co., Inc., Arena Construction Management, Arena Consulting Group and Arena Property Management Company,



including the location of corporate minute books, corporate records, corporate seals, incorporation and/or dissolution papers, shareholder logs, minutes of Board meetings, minutes of shareholder meetings and all required notices of such meetings.

**RESPONSE:**

8. State the total annual compensation (whether by salary, dividend, income distribution or any other means) received by you from Arena & Co., Inc., C. Arena & Co., Inc., Arena Construction Management, Arena Consulting Group and Arena Property Management Company or their affiliates for each year from January 1, 1998 to the present and identify which entity or entities paid such compensation and for which job functions or responsibilities.

**RESPONSE:**

9. Identify all other persons doing business at 5 N. Providence Road, Wallingford, Pennsylvania from January 1, 1998 to the present and state what relationship any such person had to you.

**RESPONSE:**

10. Identify all banks, mutual funds, brokerage or other financial institution where you have had an account of any type, whether depository, loan, credit, safe keeping or otherwise, or over which you had signing authority from January 1, 1998 to the present and include in your identification account numbers, branch location for the account, officer or manager for the account, locations of statements or other records of the accounts, and any co-owners or authorized signors of such accounts.

**RESPONSE:**

11. Identify each person you anticipate calling as a witness at any trial or hearing on any of the issues in this acting specifying the subject matters you expect such person to testify about, the facts you expect such person to testify to and what relationship, if any, such person has or had with you.

**RESPONSE:**

12. Identify each person you expect to call as an expert witness at trial and state the subject matter on which the expert is expected to testify, the facts and opinions to which the expert is expected to testify and a summary of the grounds of each opinion.

**RESPONSE:**

13. State such information as you contend renders any person identified in response to the preceding interrogatory and “expert” to testify concerning the subject matter and to render the options such person will be offered to present at trial.

**RESPONSE:**

14. Identify all documents relating to the facts asserted in the Complaint and in any Answer, Affirmative Defenses or other pleading submitted to this action.

**RESPONSE:**

15. Identify every person who you consulted concerning the organization, structure or interworkings of any of the companies, partnerships or business entities in which you have or had an ownership or beneficial interest in including, but not limited to, Arena & Co., Inc., C. Arena & Co., Inc., Arena Construction Management, Arena Consulting Group and Arena Property Management Company, and state the date of the consultation and purpose of the consultation.

**RESPONSE:**

16. Identify any document you anticipate introducing as an exhibit at any trial or hearing in this action.

**RESPONSE:**

**WHITE AND WILLIAMS, LLP**

BY: 

Frank E. Noyes, II  
824 N. Market Street  
Suite 902  
Wilmington, DE 19899-0709  
(302) 654-0424  
*Attorneys for Plaintiff*  
*Blue Hen Hotel, LLC*

Dated: March 13, 2006

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE


_____	)	
BLUE HEN HOTEL, LLC,	)	
	)	CIVIL ACTION NO. 05-CV-00221 (JJF)
Plaintiff,	)	
	)	JURY TRIAL DEMANDED
v.	)	
	)	
CHARLES P. ARENA,	)	
	)	
Defendant.	)	
_____	)	

**CERTIFICATE OF SERVICE**

I, Frank E. Noyes, II, Esquire, hereby certify that on this 13<sup>th</sup> day of March, 2006, I caused a true and correct copy of the foregoing **PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT** to be served upon counsel by e-filing and in the manner indicated:

BY HAND

Adam Balick, Esquire  
Bifferato, Gentilotti, Biden & Balick  
711 N. King Street  
Wilmington, DE 19801

  
\_\_\_\_\_  
Frank E. Noyes, II Esquire (#3988)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BLUE HEN HOTEL, LLC,

Plaintiff,

v.

CHARLES P. ARENA,

Defendant.

CIVIL ACTION NO. 05-CV-00221 (SLR)

JURY TRIAL DEMANDED

**NOTICE OF SERVICE**

PLEASE TAKE NOTICE that the undersigned counsel certifies that on the 13<sup>th</sup> day of March, 2006, two true and correct copies of *Plaintiff's First Set of Interrogatories to Defendant* and *Plaintiff's First Set of Document Requests to Defendant*, were served on the following electronically and in the following manner:

**Via Hand Delivery:**

Adam Balick, Esquire  
Bifferato, Gentilotti, Biden & Balick  
711 N. King Street  
Wilmington, DE 19801

WHITE AND WILLIAMS LLP



FRANK E. NOYES (#9988)  
824 North Market Street, Suite 902  
P. O. Box 709  
Wilmington, DE 19899-0709  
(302) 467-4511

*Attorneys for Plaintiff*

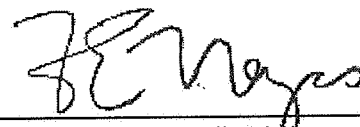
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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BLUE HEN HOTEL, LLC,	)	
	)	CIVIL ACTION NO. 05-CV-00221 (SLR)
Plaintiff,	)	
	)	JURY TRIAL DEMANDED
v.	)	
	)	
CHARLES P. ARENA,	)	
	)	
Defendant.	)	
_____	)	

CERTIFICATE OF SERVICE

I, Frank E. Noyes, Esquire, hereby certify that on the 13<sup>th</sup> day of March, 2006, I caused two true and correct copies of the foregoing *Notice of Service* to be served upon the following counsel by e-filing and hand delivery:

Adam Balick, Esquire  
Bifferato, Gentilotti, Biden & Balick  
711 N. King Street  
Wilmington, DE 19801

  
\_\_\_\_\_  
Frank E. Noyes, II (#3988)



## Discovery Documents

1:05-cv-00221-SLR Blue Hen Hotel LLC v. Arena

**U.S. District Court**

**District of Delaware**

### Notice of Electronic Filing

The following transaction was received from Noyes, Frank entered on 3/13/2006 at 4:22 PM EST and filed on 3/13/2006

**Case Name:** Blue Hen Hotel LLC v. Arena

**Case Number:** 1:05-cv-221

**Filer:** Blue Hen Hotel LLC

**Document Number:** 11

### Docket Text:

NOTICE OF SERVICE of Plaintiff's First Set of Interrogatories to Defendant and Plaintiff's First Set of Document Requests to Defendant by Blue Hen Hotel LLC.(Noyes, Frank)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1079733196 [Date=3/13/2006] [FileNumber=183198-0]  
[5bfa0adf624974cbd08fe7745929b4fee128c7a7bcbabde41d4192afc5e863f2a3ce  
edd0d30dcef2459b3757b98b356cd44505c4cd32e5137cca16ebb91eda9c]]

**1:05-cv-221 Notice will be electronically mailed to:**

Adam L. Balick abalick@bgbbllaw.com

Frank E. Noyes , II noyesf@whiteandwilliams.com,

**1:05-cv-221 Notice will be delivered by other means to:**